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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,039	10/31/2003	Kazuki Emori	SHO-0033	8366
23353 7590 04/08/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER HARPER, TRAMAR YONG				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/697,039

**Applicant(s)**

EMORI ET AL.

**Examiner**

TRAMAR HARPER

**Art Unit**

3714

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
b) ☐ They raise the issue of new matter (see NOTE below);  
c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1 and 4-28.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 01/15/2008  
13. ☐ Other: \_\_\_\_\_.

/Ronald Laneau/  
Primary Examiner  
Art Unit: 3714

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed have been fully considered but they are not persuasive. Applicant suggests that the Examiner fails to establish a prime facie obviousness by failing to provide evidentiary support or teachings as to why one of ordinary skill would find the claimed subject matter obvious and that the applied art is devoid of all the features of the claimed invention with respect to claims 1, 11, and 20. As noted by applicant, it is suggested that the examiner should explain reasoning that leads to a legal conclusion of obviousness when rejecting claims on grounds regarding design and rearranging of parts by identifying teachings, suggestion, or motivation that suggest predictability. Applicant asserts that the light source of the light emission means placed in a sideways position relative to the front of the gaming machine, so that the player is not given the impression that the light source is a light source of point light emission, and the player feels that the full face of the cover emits light providing an high illumination effect is an advantage over the prior art. Examiner disagrees that the above evidence provides a advantage over the prior art in combination, specifically in regards to design consideration. Matayoshi clearly discloses a recess defined by side walls and a bottom wall (Fig. 4), but excludes the speaker device located through the bottom wall and/or lights located on the side wall. However, Matayoshi is primarily geared to a illuminated speaker, wherein the light is indirectly attained through transparency or translucent members (§ 11). Furthermore, that the loudspeaker structure is not limited to the disclosed design as long as the effect is attained, wherein the lumination of the speaker is indirectly attained (§ 48). Also, Susumu discloses a lens cover that comprises of various shapes such as diamond cut and spherical surface cut, wherein the configuration provides an improved ornament effectiveness and cubic effect by reflecting and fully diffusing light more uniformly from the light source (§ 2-4). Both inventions are drawn towards diffusing light e.g. making light from a light source indirect on the player (player cannot distinguish the point of light) or appearing more uniformed. Matayoshi invention intends to light the front face of a speaker with indirect light e.g. diffused light and Susumu discloses a means to help improve diffusing light for an ornamental effect. The combine references teach what the claimed invention is intended to accomplish and the limitation of a speaker located in a bottom recess wall and lights located on a side wall fail to distinguish itself from at least the combination disclosed above because such limitations are rendered as mere design consideration. One of ordinary skill would be motivated to obtain the claimed invention based on at least the combined references because they would provide the same predictable results. Changing a location of the lights and/or speaker is not a novelty in regards to diffusing light and would be considered routine to one skilled in the art. Therefore, applicant has failed to disclose a clear advantage as to why such a configuration is an advantage over what the prior art is intended to do and the rejection is maintained.